

**FIRST CLASS MAIL CERTIFICATE**

I hereby certify that this document is being deposited with the United States Postal Service on this date as first class mail addressed to: Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231.

  
Laura Fischer

June 18, 2001  
Date

Att. Docket No. REG 471-PCT- US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application Of: Susan Croll-Kalish, Peter Di Stefano, Stanley J. Wiegand and Ronald M. Lindsay

USSN: 09/284,555

Filed: May 26, 1999

For: Method of Enhancing the Delivery of Growth Factors

Group Art Unit: 1653

Examiner: A. Gupta

Commissioner of Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 200231

June 18, 2001

Dear Sir:

**PETITION TO WITHDRAW THE MAY 22, 2001 HOLDING OF ABANDONMENT**

In response to the May 22, 2001, Notice of Abandonment ("Notice"), Applicants' undersigned agent submits this Petition to Withdraw the May 22, 2001 Holding of Abandonment in connection with the above-identified application.

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USSN 09/284,555  
Petition to Withdraw the May 22, 2001  
Holding of Abandonment

The May 22, 2001 Notice was addressed to Robert J. Cobert. As of August 6, 1999, Robert J. Cobert was no longer employed by Regeneron Pharmaceuticals. All work on Mr. Cobert's cases have been subsequently handled by Joseph M. Sorrentino (Reg. No. 32,598) or Linda Palladino (Reg. No. 45,636). Whereas there have been no substantive actions in this particular case to which Mr. Sorrentino or Ms. Palladino have responded, they have responded to all other actions addressed to Mr. Cobert in other Regeneron filings.

No cases sent to Regeneron addressed to Mr. Cobert have been forwarded to him, but instead all actions and papers received subsequent to August 6, 1999 have been handled by either Mr. Sorrentino or Ms. Palladino.

A copy of the May 22, 2001 Notice is attached hereto as Exhibit A. According to the Notice, the subject application was abandoned for Applicant's failure to respond to the Office Action dated October 4, 2000.

Applicants respectfully maintain that the May 22, 2001 Notice was issued in error as Applicants did not receive such Office Action dated October 4, 2000, and, therefore, did not abandon the subject application. Applicants have maintained, and continue to maintain, an intent to continue to prosecute the subject application.

According to §711.03 (c) of the MPEP and *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), an allegation that an Office Action was never received may be considered in a

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petition to withdraw the holding of abandonment. If adequately supported the Patent Office may grant the petition to withdraw the holding of abandonment and remail the Office Action.

The showing required to establish the nonreceipt of an Office Action communication must include a statement from the practitioner stating that the Office Action was not received by the practitioner and attesting to the fact that a search of the file and docket records indicates that the Office Action communication was not received. I hereby attest that the Office Action was not received by me or any of the undersigned attorneys to my knowledge, and I attest that a search of the file and docket records indicates that the Office Action communication was not received.

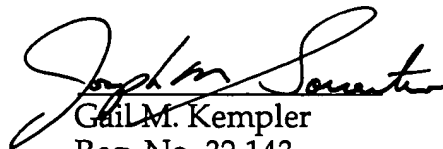
Additionally, a copy of the docket record where the nonreceived Office Action communication would have been entered had it been received and docketed is attached hereto as Exhibit B as required by the Patent Office.

Applicants request, for the foregoing reasons and in view of the evidence submitted, that the Patent Office grant the petition to withdraw the holding of abandonment and remail the Office Action.

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No fee is deemed necessary. However, if any fee is required, the Commissioner is hereby authorized to charge any such fee to Deposit Account No. 18-0650.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gail M. Kempler", is written over the printed name.

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